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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DIEGO LUA-GARCIA,  
  
Defendant.

CASE NO. 1:20-CR-00031-NONE-SKO

STIPULATION TO CONTINUE STATUS  
CONFERENCE AND ORDER THEREON

Date: May 4, 2022  
Time: 1:00 p.m.  
Honorable Sheila K. Oberto

**STIPULATION**

This case is set for a status conference on May 4, 2022, which the parties stipulate to continue to August 17, 2022, for the reasons set forth below.

1. Discovery in this case was provided on February 14, 2020, April 2020, and June 15, 2020, and during the week of November 30, 2020, comprised of voluminous investigative reports, wire interceptions recordings and electronic messages, precise location information data, and more, approximately 82,000 pages/files.
2. Defense counsel requires additional time to review the discovery, to conduct additional investigation and legal research, and to confer with his client about how to proceed in this case.
3. The proposed status conference date represents the earliest date that all counsel are available thereafter, taking into account counsels' schedules, defense counsels' commitments to other clients, and the need for preparation in the case and further investigation.
4. In addition, the public health concerns cited by General Order 611, 612, 617, 618, 620, 635,

1 and 640 and presented by the evolving COVID-19 pandemic, an ends-of-justice delay is  
2 particularly apt in this case because counsel or other relevant individuals have been  
3 encouraged to telework and minimize personal contact to the greatest extent possible. It will  
4 be difficult to avoid personal contact should the hearing proceed, and it is difficult for  
5 defense counsel to meet with their clients and review discovery.

6 The parties further believe that time should be excluded, in that failure to grant the requested  
7 case schedule would unreasonably deny the defendants continuity of counsel, and unreasonably deny  
8 both the defendants and the government the reasonable time necessary for effective preparation, taking  
9 into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv).  
10 Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the  
11 interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial  
12 Act. Therefore, the parties request that the Court exclude the time from May 4, 2022, until the new  
13 status conference date on August 17, 2022, from calculations under the Speedy Trial Act.

14 IT IS SO STIPULATED.

15 Dated: April 26, 2022

16 PHILLIP A. TALBERT  
United States Attorney

17  
18 By: /s/ KATHERINE E. SCHUH  
KATHERINE E. SCHUH  
19 Assistant United States Attorney

20 Dated: April 26, 2022

21 /s/ Victor Perez  
Attorney for Defendant  
22 Diego Lua-Garcia  
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**ORDER**

IT IS HEREBY ORDERED that the status conference in this case be continued from May 4, 2022, until August 17, 2022 at 1:00 p.m.

IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth herein as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 4, 2022 and August 17, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

The parties shall be prepared to select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

DATED: 4/26/2022

*Sheila K. Oberto*  
HONORABLE SHEILA K. OBERTO  
United States Magistrate Judge